

## REMARKS

### I. Statement

Examiner Blessing Fubara, Supervisory Examiner Michael Hartley, and Applicant's representatives, Stanislaus Aksman and Victoria A. Silcott, attended telephonic Examiner interviews held on June 15, 2006; June 19, 2006; and about June 21, 2006. Applicant thanks Examiners Fubara and Hartley for their time and attention.

During the interview held on June 15, 2006, claims 9 and 54 were discussed. Although a Notice of Allowance was issued by the USPTO on May 22, 2006, Examiner Fubara stated that the application was reviewed by Quality Assurance, who raised two issues. Namely, Quality Assurance asserted that while claims 9 and 54 include the limitations of "a complex viscosity of about 2 to 90 Pas" and administering/injecting an endoprosthesis/hydrogel into "a neck of a bladder," the specification states the hydrogel has a complex viscosity of 2 to 50 Pas and is administered "0.5 cm distally from the neck of the bladder," respectively. Therefore, Quality Assurance requested that the claims be amended accordingly in order for the application to issue.

On June 19, 2006, Applicant's representatives advised Examiner Hartley that Applicant would agree to amend claims 9 and 54 with regard to the complex viscosity; however, Applicant's representatives asserted that the limitation of administering the endoprosthesis 0.5 cm distally from the neck of the bladder is merely a preferred embodiment. *See* the Specification, p. 9, ll. 6-7 (stating that the depots are *particularly suitable*) (emphasis added). However, the Examiner stated that the claim would be rejected for lack of written description/new matter unless the suggested limitation was added to the claim.

On or about June 21, 2006, Applicant's representatives asserted that the originally allowed claim was supported by sufficient written description in the specification because the method of urethral bulking was well-known to those of ordinary skill in the art at the time of the application was filed; it was the material used for the urethral bulking that was novel the aspect of the invention. Applicant's representatives stated that they had references they could provide supporting the state of the art at the time of the invention. Examiner Hartley, however, maintained the rejection and informed Applicant's representatives that the application would be withdrawn from issue.

**II. Amendment to the Specification**

Applicant respectfully requests entry of the above Amendment to the Specification. This Amendment is submitted to omit the incorporation by reference in the Reference to Prior Applications. Thus, Applicant respectfully submits that the Amendment does not constitute new matter.

**III. Amendment to the Claims**

Upon entry of the foregoing amendment, claims 9-17, 29-32, 34-38, 52-55, 57, 62, 63, 67-69 and 78-84 will be pending. Applicant canceled claims 47 and 71-77 without prejudice. Applicant reserves all his rights to pursue protection for the subject matter of all canceled claims in future patent applications. Claims 9-15, 17, 29-32, 34-36, 52-55, 62, 67-69 are amended. New claims 78-84 are added.

Applicant respectfully requests entry of the above Amendment and submits that the Amendment does not introduce new matter. Support for the amendment to the claims and for new claims can be found throughout the specification (considered as a whole) and in the claims as originally filed. In particular, support for the amendment to claims 9 and 54 can be found, *inter alia*, in the specification at page 1, lines 6-9; page 9, lines 1-2; and page 5, lines 16-19. Claims 10-15, 17, 29-32, 34-36, 52, 53, 55, 62 and 67-69 have been amended for proper dependency. Support for new claims 78 and 79 can be found, *inter alia*, in the specification at page 1, lines 6-9; page 3, lines 15-17; page 4, lines 1-5; and page 8, lines 24-28. Support for new claims 80 and 81 can be found, *inter alia*, in the specification at page 4, lines 24-27. Support for new claims 82-84 can be found, *inter alia*, in claim 14 as originally filed.

Based on the above amendments, Applicant respectfully submits that the claims are in condition for allowance and requests that the claims be passed to issue.

**IV. Restriction Requirement**

In the Office Action, the Examiner requested restriction to one of the following groups of claims in the above-referenced patent application under 35 U.S.C. § 121:

- I. Claims 9-17, 29-32, 34-38, 47, 52-55, 57, 62, 63 and 67-69, drawn to a method of treating urinary incontinence, classified in class 424, subclass 78.31.

II. Claims 71-77, drawn to a method of treating anal incontinence, classified in class 424, subclass 78.31.

Applicant elects the subject matter of Group I, drawn to a method of treating urinary incontinence. Applicant respectfully reserves the right to file one or more divisional applications directed to the non-elected subject matter. Applicant further submits herewith an Amendment in conformity with Applicant's election of Group I. Applicant additionally submits that new claims 78-84 fall within the subject matter of Group I.

### CONCLUSION

For at least the reasons stated above, claims 9-17, 29-32, 34-38, 52-55, 57, 62, 63, 67-69 and 78-84 are in condition for allowance. Accordingly, Applicant respectfully requests that the Application be allowed and passed to issue.

In the event any outstanding issues remain, Applicant would appreciate the courtesy of a telephone call to Applicant's undersigned representative to resolve such issues in an expeditious manner.

Respectfully submitted,  
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